

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT COURT
OF LUFKIN, TEXAS

RICKY BARNARD JUSTICE,
Plaintiff, §

V. §

WARDEN HARRIS, ET AL.,
Defendants. §

CIVIL ACTION NO. 9:16 cv-94

MOTION TO AMEND 1983 CIVIL SUIT

BY
DEPUTY

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
OCT 05 2017

NOW COMES RICKY BARNARD JUSTICE, PLAINTIFF IN THIS ABOVE CIVIL ACTION AND HE DOES RESPECTFULLY REQUEST HIS MOTION BE GRANTED TO AMEND. MOVANT WILL SHOW THE FOLLOWING:

I.

MOVANT HAS EXPRESSED TO THIS COURT THAT CERTAIN PARTIES THAT WERE ON THIS CIVIL ACTION HAVE BEEN REMOVED, WITHOUT A FAIR AND MEANINGFUL ADJUDICATION OF MOVANT'S CLAIMS UNDER THE MERITS. IT IS UNLAWFUL TO DISMISS A DEFENDANT WITHOUT WEIGHING THE FACTS, THOROUGHLY INVESTIGATING THE ISSUES AND RULING ACCORDING TO WHATEVER STANDARD OF REVIEW THIS HONORABLE COURT ADOPTS. THE ISSUES MR. JUSTICE HAVE BROUGHT BEFORE THIS HONORABLE COURT HAVE NOT BEEN TRIED AND RULED UPON, SO HOW CAN ANY MEMBERS BE DISMISSED. THE PARTIES WHICH SHOULD BE ADDED AND PLACED ON THE DOCKET SHEET IS: DR. NUYGEN, UTMB GALVESTON AND DIRECTOR WILLIAM STEPHENS BECAUSE MOVANT HAS NOT SEEN THESE NAMES ON ANY OF HIS PAPER WORK IN THE MOST RECENT FORMS HE HAS GOTTEN.

II.

THESE ACTS OF VIOLATING OFFENDER JUSTICE'S AMENDMENT RIGHTS HAVE NOW BEEN TRANSFERRED TO OTHER STAFF MEMBERS AS THE SAME ACTION TOWARD HIM BUT NOW WITH DIFFERENT OFFICERS. NAMELY RN VICKIE, SGT. MILES, CO WHITSEL, SGT. McDONALD AND CO WARD. EACH OF THESE OFFICERS HAVE ACTUALLY EITHER HARASSED, MADE VERBAL THREATS TO DO PHYSICAL HARM, WROTE BOGUS CASES ON HIM, THREATEN TO LOCK HIM UP AND DENIED HIM ADEQUATE MEDICAL CARE.

MOVANT IS REQUESTING THAT THESE NEW NAMES BE ADDED TO HIS SUIT IF NOTHING MORE TO SUMMON THEM TO THE TRIBUNAL FOR QUESTIONING TO TRY AND FIND THE ROOT TO THIS GROWING CONCERN THAT MR. JUSTICE HAS CONCERNING HIS SAFETY. BUT TO IGNORE THIS REQUEST IS A CRIME WITHIN ITSELF, BECAUSE NO ONE KNOWS THE TRUTH OF IT ALL. SO IT WOULD BE WISE TO DISTANCE MOVANT BEFORE THIS CASE GETS OUT OF HAND. THERE HAVE BEEN TOO MANY LIFE THREATENING ACCUSATIONS.

III.

MOVANT WAS SENT BACK TO POLUNSKY UNIT AFTER HIS PHYSICAL THERAPY WAS OVER AND PLACED HIM RIGHT BACK INTO THE VERY HANDS THAT HAVE SUPPRESSED HIS RIGHTS AND PUT HIM IN HARMS WAY. SINCE HIS RETURN HE HAS HAD SEVERAL SITUATIONS MUCH SIMILAR TO THE ONES HE HAD BEFORE HE LEFT FOR JESTER 3, FOR AN EXAMPLE: HE WAS TOLD BY THE CO WARD OFFICER WHO WORKED G-POD THAT HE WAS ON THE MEDICAL CHAIN AND SHE ASKED HIM HOW MANY BAGS HE NEEDED. OFFENDER JUSTICE TOLD HER SIX, SHE RESPONDED WITH IF YOU CAN'T FOUR WORK YOU BETTER TRY. MOVANT SAID I CAN NOT PUT MY STUFF IN ONLY FOUR BAGS, SHE SAID, THEN YOUR GONNA GO TO LOCK UP FOR FAILURE TO OBEY A ORDER. WHO GIVES AN ORDER LIKE THAT?

THERE WAS ANOTHER INCIDENT WITH SGT. McDONALD WHO CAME TO OFFENDER JUSTICE'S CELL AND TOLD HIM HE HAD TO SIGN THE REFUSAL DOCUMENT OR HE WOULD BE PLACED ON THE MEDICAL CHAIN ONE WAY OR ANOTHER. MR. JUSTICE TRIED TO EXPLAIN THAT HE HAD A RIGHT TO REFUSE THE CHAIN OR GO AND HE HAD A RIGHT TO SIGN ANY KIND OF DOCUMENT OR NOT AND THE SGT. HAD NO RIGHT TO TRY AND FORCE ANY OFFENDER TO SIGN ANYTHING BUT HE WOULD NOT LISTEN. HE MARCHED OFFENDER TO THE INFIRMARY AND THERE HE WAS TOLD THE EXACT SAME THING BY THE NURSES THAT WERE ON DUTY, BUT THIS ONLY ENRAGED SGT. McDONALD AND HE MADE YET ANOTHER THREAT WITH PHYSICAL VIOLENCE TO MOVANT AND SAID HE COULD MAKE GOOD ON THOSE PROMISES, BECAUSE NO ONE HERE WOULD EVER BELIEVE YOU.

AND THEN THERE WAS CO WHITSEL WHO WROTE OFFENDER JUSTICE UP FOR WALKING IN THE MIDDLE OF THE HALLWAY, BUT ON POLUNSKY UNIT IT IS PERMITTED FOR THE OFFENDERS TO USE THE MIDDLE OF THE HALL. SO THEY WANT BE TRIPPED OR SLOW UP THE FLOW OF TRAFFIC. ONLY THE CANES, WALKERS AND CRUTCHES CAN ACCESS THIS MEANS OF MOVEMENT ON THE UNIT. MOVANT WAS ON A WALKER FOR OVER FIVE MONTHS, CO WHITSEL HAD NO VALID REASON FOR WRITTING UP MR. JUSTICE OTHER THAN MERELY SHOWING OFF INFRONT OF HER OUT'S. SHE STATED TO MOVANT, "YOU ALL ARE GONNA LEARN WHEN YOU SEE ME TO GET OUT OF MY WAY." THE TDCJ MOTTO IS EXCELLENCE, PROFESSIONALISM AND A HOST OF OTHER WORDS THAT MEANS SO LITTLE TO THOSE WHO WEAR THE UNIFORM.

THEN THERE WAS A INCIDENT HERE JUST RECENTLY WITH CO YIOZZO, WHO WORKED THE FRONT DESK ON 7 BUILDING, WHERE SHE ALLOWED SEVERAL OFFENDERS OUT FOR THEIR LAY IN'S. MOVANT HAD A LAW LIBRARY LAY IN AND AFTER GETTING THERE HE REMEMBERED HE LEFT HIS TYPE WRITER IN THE DAYROOM OF H POD AND ASKED THE LAW LIBRARY CO COOPER COULD HE GO BACK AND RETREIVE HIS PROPERTY. AFTER GETTING HIS APPROVAL HE GETS TO THE BUILDING AND TELLS CO YIOZZO THAT HE NEEDED HIS TYPE WRITER BUT SHE SAY NO AND I AM WRITTING YOU A OUT OF PLACE CASE. NOW TELL ME WHO DOES THIS TO SOMEONE? HOW CAN I BE OUT OF PLACE IF I AM COMING BACK FROM SOME PLACE

AND ON THE RIGHT BUILDING?BUT THIS IS THE KIND OF CASES THAT THIS ADMINISTRATION ALLOWS THE OFFENDERS HERE ON POLUNSKY UNIT TO BE SUBJECTED TOO.THIS IS WHY THE OFFICERS ARE SO OUT OF CONTROL, WITHOUT ANY FEAR OF ACTION CAUSE THEY ARE PROTECTED BY THE RANK HERE ON THIS UNIT.

HER REASONS FOR NOT ALLOW ME ACCESS TO THE LAW LIBRARY WAS WHEN SHE CAME ON THE SECTION I SUPPOSELY CALLED HER A " PUNK ASS HOE BITCH." BUT HOW COULD I HAVE DONE THAT WHEN I WAS IN THE LAW LIBRARY DURING THAT TIME,BETWEEN 12:40pm AND 4pm,DURING THIS TIME OUR HOURS IN THE LAW LIBRARY WERE LONGER BECAUSE WE HAD GUYS FROM TERRELL UNIT HERE BECAUSE OF THE FLOOD.I WAS NOT THERE AND THAT IS NOT A VALID EXCUSE ANYWAY TO DENY ME ACCESS TO THE UNIT LAW LIBRARY,CAUSE IF I WAS THE ONE WHO CAUSED CHAOS IN THE POD,FAILED TO OBEY AN ORDER,GOT LOCKED UP OR CAUSE DISRUPTION THEN SHE WOULD HAVE BEEN WELL WITHIN HER RIGHT TO DENY ME ACCESS.BUT TO FALSELY ACCUSE ME OF SOMETHING WITHOUT ANY REAL PROOF IS A VIOLATION OF MY DUE PROCESS.

CONCLUSION

IN CONCLUSION MOVANT IS SIMPLY STATING THAT HIS RIGHTS ARE BEING VIOLATED AT AN ALARMING RATE AND NOW HIS LIFE IS BEING THREATEN TOO,WHILE NO ONE ON THIS FACILITY IS TAKING ANYTHING MR.JUSTICE SAYS SERIOUSLY.THE RANK SAYS NOWAY THIS IS HAPPENING TO MAKE WHAT SGT.McDONALD SAYS TRUE,WHO WILL BELIEVE YOU!MOVANT HAS ALREADY SENT HIS MOTION FOR A TEMPORARY INJUNCTION AND HE IS STATING YET AGAIN THAT THIS ISSUES ARE REAL AND ACCOMPANIED WITH ALL HIS EXHIBITS ITS NO WAY HE IS CREATIVE ENOUGH TO INVENT ALL THIS STUFF UP FROM HIS MIND.HE RESPECT FULLY REQUEST THAT HIS MOTION BE GRANTED AND THESE DEFENDANTS BE ADDED BACK TO THIS CIVIL ACTION AND THE NEW DEFENDANTS BE ADDED AS WELL,IF NOTHING MORE THAN TO QUESTION THEM ON THEIR INVOLVEMENT IN THIS SITUATION.

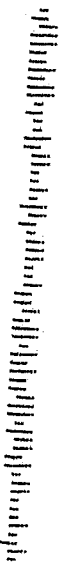
I,RICKY BARNARD JUSTICE,THE MOVANT IN THE ABOVE CIVIL ACTION STATES THAT THE STATEMENTS MADE IN THIS MOTION ARE TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE UNDER THE LAW OF PERJURY SET BY THE STATE OF TEXAS.HE ALSO STATES THAT A TRUE AND CORRECT COPY OF SAID MOTION WAS SENT TO HIS WIFE MARY JUSTICE TO COPY AND FORWARD TO THE U.S.EASTERN DISTRICT COURT OF LUEKIN,TEXAS CLERKS OFFICE TO FILE.ON THIS 15 DAY OF Sept. 2017.

*EXECUTED ON THIS 15 DAY OF Sept. 2017.

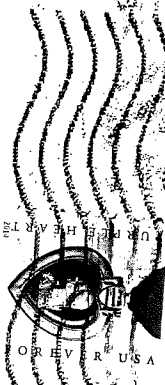
Mary Justice
MARY JUSTICE
Ricky Barnard Justice
RICKY BARNARD JUSTICE
#1811175
POLUNSKY UNIT/TDCJ

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